

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 4

January 24, 2008

**SUBJECT: RESTRICTED ELECTRONIC SURVEILLANCE EQUIPMENT
GUIDELINES - REVISED**

PURPOSE: Currently, Department Manual Section 3/568.10, states that a request to utilize restricted electronic surveillance equipment for an extended period of time may not exceed 30 days. This is problematic if the investigation exceeds 30 days. Manual Section 3/568.10 further states that restricted equipment shall not be stored in vehicles. Previous investigations conducted by specialized units in certain divisions (e.g. Narcotics Division, Vice Division, Major Crimes Division, Professional Standards Bureau, etc.) demonstrated that such restrictions may also prove impractical and problematic in the execution of long-term investigations.

Certain exceptions to the current Department policy regarding the use of restricted electronic surveillance equipment are required to prevent compromising and/or complicating investigations conducted by specialized units in certain divisions (e.g. Narcotics Division, Vice Division, Major Crimes Division, Professional Standards Bureau, etc.). Furthermore, it is necessary to clarify the definition of restricted electronic surveillance equipment.

PROCEDURE:

I. RESTRICTED ELECTRONIC SURVEILLANCE EQUIPMENT - DEFINED.

Restricted items normally include all electronic surveillance equipment designed or adapted for concealed use. Included are items such as:

- * Pen registers;
- * Tape traces;
- * Transmitters capable of being concealed in an automobile, room or telephone;
- * Body transmitters;
- * Induction coils;
- * Receivers and recorders when used with hidden transmitters; and,
- * Tracking or tailing devices and other non-visual equipment.

Restricted electronic surveillance equipment shall also include any electronic equipment that is used to breach a

person's reasonable expectation of privacy as recognized by all applicable statutes and case law.

Note: The use of restricted electronic surveillance equipment does not always require the use of an Authorization to Use Restricted Electronic Surveillance Equipment Form, Form 12.41.00. It is only required if the equipment is used to breach a person's reasonable expectation of privacy or is requested by the concerned commanding officer. Should the completion of the Authorization to Use Restricted Electronic Surveillance Equipment Form be required, upon approval by a supervisor and a captain or above, it shall be submitted to the concerned equipment coordinator, the Scientific Investigation Division (SID) Electronics Personnel or the relevant Department entity issuing the equipment.

II. RESTRICTED ELECTRONIC SURVEILLANCE EQUIPMENT POLICY - DEFINED. Investigating officers that require the use of restricted surveillance equipment shall comply with all current State and Federal Laws.

III. TIME RESTRICTIONS. Restricted electronic surveillance equipment shall generally be used for a period of time not to exceed 30 days. However, equipment used in investigations by specialized units in certain divisions (e.g. Narcotics Division, Vice Division, Major Crimes Division, Professional Standards Bureau, etc.) may be used for the duration of the investigation, in excess of 30 days, provided that the equipment is accounted for, remains in good working order and prior approval is obtained. Should the investigation exceed the 30-day time limit, the investigating officer shall complete an Employee's Report, Form 15.07.00, documenting the reasons for the additional time required and the condition of the equipment. The Employee's Report shall be completed and approved prior to the expiration of the due date. The investigating officer shall forward the Employee's Report to his/her commanding officer for approval.

The divisional, Area or patrol commanding officer will review and, if appropriate, approve the investigating officer's written request for the extended use of the equipment for each additional 60-day period. Once approved, the Employee's Report shall be forwarded to the Department entity originally furnishing the equipment so

that it may be filed with the original Request to Use Electronic Equipment Form.

IV. EQUIPMENT STORAGE. Restricted electronic surveillance equipment shall generally be stored in a secured location within a Department facility. However, if it is required by the nature of the investigation, equipment used by specialized units in certain divisions (e.g. Narcotics Division, Vice Division, Major Crimes, Professional Standards Bureau, etc.) may be stored in vehicles, as long as it remains under the command and control of the investigating officer and as long as it remains in good working order.

Note: The officer in charge of a unit having electronic investigation equipment which is not in use shall test the equipment **regularly** to determine that it is in proper condition.

AMENDMENTS: This Order amends Department Manual Sections 3/568.05, 3/568.10, 3/568.15 and 3/568.80.

AUDIT RESPONSIBILITY: The affected Bureau commanding officer shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachment

DISTRIBUTION "D"

DATE & TIME TYPED		AUTHORIZATION TO USE RESTRICTED ELECTRONIC SURVEILLANCE EQUIPMENT IF SENSITIVE, COMPLETE SHADED AREAS ONLY		CONTROL NUMBER		
PERSON ISSUING			UNIT ISSUING		RETURN DUE DATE	
LOCATION OF INVESTIGATION (OPTIONAL)						
TYPE OF INVESTIGATION			SUBJECT OF INVESTIGATION			
INSTALLATION REQUIREMENTS (VIDEO, AUDIO, TRACKING, ETC.)						
PERSON EQUIPPED (OPTIONAL)			OFFICER <input type="checkbox"/>	VICTIM <input type="checkbox"/>	WITNESS <input type="checkbox"/>	OTHER (EXPLAIN IN INVESTIGATION INFORMATION SECTION) <input type="checkbox"/>
DESCRIPTION OF EQUIPMENT					SEARCH WARRANT REQUIRED <input type="checkbox"/> YES <input type="checkbox"/> NO	
PERSON INSTALLING EQUIPMENT		SERIAL NO.	<input type="checkbox"/> MULTIPLE INSTALLATIONS (SEE REVERSE)		DATE & TIME TO BE INSTALLED	
INVESTIGATING OFFICER(S)		SERIAL NO.		DIVISION		
INVESTIGATION INFORMATION: DESCRIBE AND EXPLAIN LOCATION OF INSTALLATION (UNDER N/E CORNER OF HOUSE, ETC.) DIAGRAM IF POSSIBLE. JUSTIFICATION FOR USE OF THIS TYPE OF EQUIPMENT. ADDITIONAL INFORMATION.						
<i>I understand that any deviation from this authorization will require additional authorization.</i>						
_____ DATE		_____ TYPED NAME, SERIAL NUMBER, AND SIGNATURE OF INVESTIGATING OFFICER(S)				
_____ DATE		_____ TYPED NAME, SERIAL NUMBER, AND SIGNATURE OF SUPERVISOR APPROVING				
<i>I authorize the use of this equipment in the manner described above.</i>						
_____ DATE		_____ TYPED NAME, SERIAL NUMBER, AND SIGNATURE OF COMMANDING OFFICER, CAPTAIN OR ABOVE				

AFTER ACTION EVALUATION

SERIAL NUMBERS OF MEDIA USED (TAPE, CD, ETC.)	DATE & TIME EQUIP. RETURNED TO ISSUING UNIT	EMPLOYEE RECEIVING
COMMANDING OFFICER'S EVALUATION OF TECHNICAL, LEGAL, AND PROCEDURAL ASPECTS OF USE:		
<div style="text-align: right;">(CONTINUE ON REVERSE)</div>		
WAS EQUIPMENT USED AS AUTHORIZED? <input type="checkbox"/> YES <input type="checkbox"/> NO EXPLAIN DEVIATIONS:		
<div style="text-align: right;">(CONTINUE ON REVERSE)</div>		
SIGNATURE OF BUREAU COMMANDING OFFICER OR DESIGNATED STAFF OFFICER		DATE
SIGNATURE OF COMMANDING OFFICER, ADMINISTRATIVE AND TECHNICAL SERVICES BUREAU		DATE

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